

REMARKS

The Office Action of June 6, 2000, rejected claims 1-24 under 35 U.S.C. §112 as being indefinite. In accordance with the recommendations of the Office Action, the Applicant has added a lower surface to claim 1 and clarified the “central” support in claim 4 instead of a “vertical” support. Furthermore the use of an apostrophe in claims 13, 23 and 24 has been eliminated by rewording those claims to avoid using an apostrophe. Finally first and second trays are discussed in claim 23, as amended.

The Office Action also rejected claims 1-3, 5, 6, 15 and 19-24 under 35 U.S.C. §102(b) as anticipated by Shuert, U.S. Pat. No. 4,550,830. As affected by the amendment to claim 1, claims 1-3, 5, 6, 15 and 19-22 are not believed to be anticipated by Shuert. Specifically, amended claim 1 requires a clearance space between the downwardly extending rails proximate to the first opposing sides. This clearance space is obstructed only by the central support. Figure 1 of Shuert shows nine legs: four at the corners, one in the middle and four midway along the sides. Of the four legs located midway along the sides, two are located in the claimed clearance space as required by amended claim 1. Accordingly this reference lacks the structure required by amended claim 1. One use for the clearance space as described in the specification is to allow a carrier, such as a hand truck, to position its lifting tongue below the mini-pallet (See page 4, lines 3-5). As amended, neither claim 1 nor its dependent claims 2, 3, 5, 6, 15 and 19-22 are anticipated or rendered obvious by Shuert.

Claim 23 has been amended to require a clearance space located below the deck between the legs. Once again, the extra legs of the Shuert reference would be located in the clearance space which is now required by claim 23.

Claim 24 has also been amended to require a clearance space. Accordingly, claim 24 is also not anticipated by the Shuert reference.

Finally, claims 1-24 have also been rejected under 35 U.S.C §103 as being unpatentable over Shuert in view of Herolzer. Claims 1-24 have been amended to require a clearance space below the deck between the legs (or rails). Although Herolzer appears to have a similar clearance space, there is no teaching in the Herolzer reference to add a central support. In fact Column 6, lines 34-38 of Herolzer describes a hand truck being utilized to move a tray utilizing the recess 32 on the ends to permit end wall entry of the hand truck.

In order for a common hand truck to lift the Herolzer tray, the tongue of the hand truck would need to extend past the center of a uniformly loaded tray in order to properly balance the tray to pick it up. The central support required by the pending claims of this application would significantly interfere with this process. One likely result would be the dumping of the tray's contents during attempts to lift the tray with a conventional hand truck tongue since the tongue would hit the central support during attempts to slide the tongue under deck. If the tongue were to be positioned under the central support, the tray would be tilted at an angle until the central support balanced atop the tongue. Once again, another potential dumping hazard could occur.

It is anticipated that a specially constructed hand truck shown in phantom in Figure 2B, will often be utilized with the mini-pallet of this application. Specifically, the tongue of the preferred carrier will likely have a cutout portion which corresponds with the exterior surface of the central support which may assist in proper positioning of the hand truck and stability of a loaded hand truck. Although not a claimed portion of the majority of claims 1-

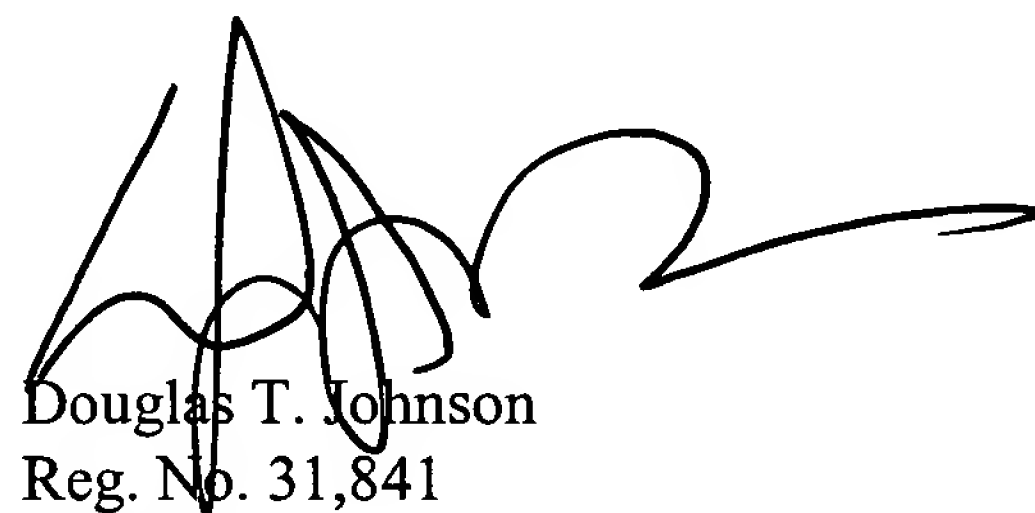
24, the ability to use a specially adapted hand truck is offered as an illustration of why the design of the mini-pallet claimed is not an obvious modification of either of the Herolzer or Shuert trays. These advantages and others have been discussed in the specification at page 5, line 17 - page 6, line 1 and page 10, line 7 - page 11, line 9. Accordingly, there is no teaching in Herolzer, nor Shuert, nor the combination thereof to have both a clearance space and a central support as required by the pending claims, and allowance of claims 1-24 is respectfully requested.

SUMMARY

As amended, claims 1-24 require a clearance space below the deck between the legs (rails) with the one exception of the central support. None of the cited references contain this structure or suggest that it would be obvious to one skilled in the art. In fact, the applicant has explained why it would be counter-intuitive to construct the claimed mini-pallet, as its effective use also requires a specially constructed hand truck tongue.

Accordingly, as amended, claims 1-24 are believed to be allowable, and such favorable action is respectfully requested.

Respectfully submitted,



Douglas T. Johnson
Reg. No. 31,841
1000 Volunteer Building
832 Georgia Avenue
Chattanooga, Tennessee 37402-2289
(423) 756-6600
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